

Service Area Plan

Department Of Conservation And Recreation

Technical and Financial Assistance for Land Management (50322)

Service Area Background Information

Service Area Description

Eighty-four local counties, cities, and towns in the coastal/ eastern Virginia are required by state law to comply with the Chesapeake Bay Preservation Act and related regulations. DCR partners with these local governments, other public and private entities, and citizens to promote the protection of the Chesapeake Bay and other state waters through sound land use management. DCR staff provide education and training, technical and financial assistance, and regulatory oversight to ensure full compliance and effective implementation of the Chesapeake Bay Preservation Act.

Service Area Alignment to Mission

This service area works with Virginians to conserve, protect, and enhance their lands and waters.

Service Area Statutory Authority

- On July 1, 2004, in accordance with Items 379 and 382J of Chapter 4 (Appropriations Act) of the 2004 Virginia Acts of Assembly, Special Session I, that directed the merger of the Chesapeake Bay Local Assistance Department into DCR effective July 1, 2004, the Governor issued a memo to the director of DCR vesting him with the powers of the former executive director of the Chesapeake Bay Local Assistance Department. The director shall carry out management and supervisory responsibilities in accordance with the regulations and policies of the Chesapeake Bay Local Assistance Board. The director shall be vested with all the authority of the board, including the authority of the board to institute or intervene in legal and administrative actions to ensure compliance by local governing bodies with this chapter, and with any criteria or regulations adopted hereunder, when it is not in session, subject to such regulations as may be prescribed by the board. In no event shall the director have the authority to promulgate any final regulations. Chapter 41 of the 2005 Virginia Acts of Assembly (SB1103) amended the Act effective July 1, 2005 to finalize the merger and to bring the administration of the Chesapeake Bay Preservation Act under the auspices of DCR. Code of Virginia, Title 10.1, Chapter 21.

- Chapter 608 of the 1988 Acts of Assembly enacted the Chesapeake Bay Preservation Act. Code of Virginia, Title 10.1, Chapter 21. The Act creates the Chesapeake Bay Local Assistance Board, responsible to the Governor, to carry out the purposes and provisions of the Chesapeake Bay Preservation Act. The Board is required to promulgate regulations that establish criteria for use by local governments to determine the ecological and geographic extent of Chesapeake Bay Preservation Areas. The Board must also promulgate regulations that establish criteria for use by local governments in granting, denying, or modifying requests to rezone, subdivide, or to use and develop land in these areas. Local governments are required to use the criteria promulgated by the Board to ensure that the use and development of land in Chesapeake Bay Preservation Areas is accomplished in a manner that protects the quality of state waters. The oversight for this Board was transferred to the Department of Conservation and Recreation, effective on July 1, 2004, pursuant to Items 379 and 382J of Chapter 4 (Appropriations Act) of the 2004 Virginia Acts of Assembly, Special Session I and finalized pursuant to Code changes during the 2005 Session. Chapter 41 of the 2005 Virginia Acts of Assembly (SB1103) amended the Act effective July 1, 2005 to finalize the merger and to bring the administration of the Chesapeake Bay Preservation Act under the auspices of DCR.

§ 9 VAC 10-10. Public Participation Guidelines, eff. Jan 1, 1993; amended May 20, 1994, Jan. 29, 2003, and December 14, 2005.

§ 9 VAC 10-20. Chesapeake Bay Preservation Area Designation and Management Regulations, eff. Oct. 1, 1991; amended Mar. 1, 2002.

- § 6217 of the Coastal Zone Management Act

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Service Area Customer Base

Customer(s)	Served	Potential
Agricultural Community	200	20,000
Boards and Foundations	1	1
Conservation Organizations and Land Trusts	5	15
Government Agencies (Federal, State, and Local)	95	300
Regulated Community	84	84
Soil and Water Conservation Districts	12	47
Special Customer Groups	10	10

Anticipated Changes In Service Area Customer Base

Increased population growth in areas regulated by the Chesapeake Bay Preservation Act will result in development which should result in a greater number of citizens groups, conservation organizations, and localities interested in Chesapeake Bay compliance issues and seeking guidance regarding sound land use techniques.

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Service Area Partners

Agricultural Community

Service Area Partners

Boards and Foundations

Service Area Partners

Chesapeake Bay Program (Includes the U.S. Environmental Protection Agency, Maryland, Pennsylvania, and the District of Columbia)

Service Area Partners

Engineers and Consultants

Service Area Partners

Federal Agencies

Environmental Protection Agency; National Oceanic and Atmospheric Administration; Natural Resource Conservation Service; U.S. Army Corps of Engineers; U.S. Forest Service; National Park Service

Service Area Partners

Local Governments

Local Planning, Zoning and Building Officials; Departments of Parks and Recreation; Public Works

Service Area Partners

Regional Planning District Commissions

Service Area Partners

Soil and Water Conservation Districts

Service Area Partners

State Agencies

Virginia Department of Agriculture and Consumer Services; Virginia Department of General Services; Virginia Department of Environmental Quality; Virginia Department of Forestry; Virginia Department of Health; Virginia Department of Rail and Public Transportation; Virginia Department of Transportation; Virginia Marine Resources Commission; Virginia Institute of Marine Science; Virginia Department of Game and Inland Fisheries; Virginia Department of Historic Resources; Virginia Department of Housing and Community Development

Service Area Products and Services

- Permitting, Regulation and Enforcement
- Regulatory Programs - Information
- Technical Assistance
- Public Education
- Public Information
- Financial Assistance

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Factors Impacting Service Area Products and Services

- state funding levels
- expanding state and/or federal requirements
- increased demand for agency services/ products

Anticipated Changes To Service Area Products and Services

- Revisions to Bay Act Regulations are under consideration and could impact future services.
- Increased education and outreach to localities is necessary to further Bay Act compliance and understanding.
- There will be opportunities for increased services through implementation of tributary strategies.

Service Area Human Resources Summary

Service Area Human Resources Overview

Service Area Full-Time Equivalent (FTE) Position Summary

Effective Date:

Total Authorized Position level

Vacant Positions

Non-Classified (Filled).....

Full-Time Classified (Filled)

Part-Time Classified (Filled)

Faculty (Filled)

Wage

Contract Employees

Total Human Resource Level

Factors Impacting Service Area Human Resources

Anticipated Changes in Service Area Human Resources

Service Area Financial Summary

	<u>Fiscal Year 2007</u>		<u>Fiscal Year 2008</u>	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
Base Budget	\$872,544	\$0	\$872,544	\$0
Changes To Base	\$0	\$0	\$0	\$0
SERVICE AREA TOTAL	\$872,544	\$0	\$872,544	\$0

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Service Area Objectives, Measures, and Strategies

Objective 50322.01

Ensure compliance with the water quality protections contained in the Chesapeake Bay Preservation Act.

The 84 local counties, cities, and towns in the coastal/Eastern region of Virginia are required by state law to comply with the Bay Act and Regulations. This objective will focus on achieving a high rate of compliance with state requirements in order to provide more consistent protection for the Chesapeake Bay and the tidal Virginia waters that feed into it.

This Objective Supports the Following Agency Goals:

- Improve the quality of Virginia's waters and the Chesapeake Bay through non-point source pollution reduction programs and sound land use management.

This Objective Has The Following Measure(s):

- **Measure 50322.01.01**

Number of localities reviewed deemed compliant with the Chesapeake Bay Preservation Act.

Measure Type: Output

Measure Frequency: Annually

Measure Baseline: As of May 2006, 20 local programs reviewed have been deemed compliant.

Measure Target: 30 local programs deemed compliant by the end of FY 2007.

Measure Source and Calculation:

DCR's Division of Chesapeake Bay Local Assistance maintains a database tracking the number of localities that have been evaluated, the types of compliance issues staff noted, and the deadlines given to implement the conditions to bring them into full compliance.

- **Measure 50322.01.02**

Number of education, training, and outreach activities conducted for localities and stakeholders.

Measure Type: Output

Measure Frequency: Annually

Measure Baseline: 10 education, training or outreach activities were conducted in FY06.

Measure Target: 14 education, training or outreach activities conducted annually.

Measure Source and Calculation:

Education, training, and outreach activities is a measure of the level of understanding and improved compliance with the provisions of the Chesapeake Bay Act. DCR has created a database to track the number of training events and activities (such as conferences, workshops, presentations, etc.) for elected and government officials, local government staff, engineers, and consultants. The database also includes information on the customers who received the information and the type of information presented.

Objective 50322.01 Has the Following Strategies:

- Use the locality Annual Report process to monitor continued local compliance.
- Incorporate information on compliance evaluations onto DCR's website.
- Complete development of an education and outreach plan.
- Complete locality survey of educational and training needs.
- Develop a network of stakeholders to support the activities of the service area.

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- Provide localities with a compliance evaluation checklist 2 months in advance of initial compliance evaluation so they are informed as to the kinds of information the Department is seeking.
- Incorporate a compliance evaluation module in the annual locality workshop so they will become familiar with DCR's expectations for the compliance evaluations.
- Provide services, including grants, to localities to help them address compliance issues.